

AMENDED IN SENATE JULY 3, 2007
AMENDED IN SENATE JUNE 18, 2007
AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1725

**Introduced by Committee on Judiciary (Jones (Chair), Evans,
Feuer, Krekorian, Laird, Levine, and Lieber)**

March 6, 2007

An act to add Section 51.13 to the Civil Code, relating to discrimination.

LEGISLATIVE COUNSEL'S DIGEST

AB 1725, as amended, Committee on Judiciary. Discrimination: medical care.

The Unruh Civil Rights Act entitles all persons within the jurisdiction of this state to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments, regardless of sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation.

Under existing law, persons holding licenses under the provisions of the Business and Professions Code are subject to disciplinary action for refusing, or aiding or inciting another licensee to refuse, to perform the licensed services because of the prospective recipient's race, color, sex, religion, ancestry, disability, marital status, or national origin.

This bill would further prohibit a business establishment subject to those licensing provisions from discriminating against a patient based upon sex, race, color, religion, ancestry, national origin, disability,

medical condition, marital status, or sexual orientation, except as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 51.13 is added to the Civil Code, to read:
2 51.13. (a) ~~Sections 51 and 51.5 shall be construed to prohibit~~
3 ~~a business establishment subject to Section 125.6 of the Business~~
4 ~~and Professions Code~~ *To the extent that an individual subject to*
5 *Section 125.6 of the Business and Professions Code is a business*
6 *establishment, Sections 51 and 51.5 shall be construed to prohibit*
7 *the individual* from discriminating in the provision of medical
8 services and care to a patient based upon or affected by the
9 characteristics covered by those sections.
10 (b) Nothing in this section shall be interpreted to prevent a
11 physician *and surgeon* or health care professional licensed pursuant
12 to Division 2 (commencing with Section 500) of the Business and
13 Professions Code from considering any of the characteristics of a
14 patient listed in subdivision (b) or (e) of Section 51 if that
15 consideration is medically necessary and for the sole purpose of
16 determining the appropriate diagnosis or treatment of the patient.

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